

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

CHARLES S. HOWLETT,

Plaintiff,

vs.

JEFFREY HACK,

JOANNA DAVEY,

CLAUDE MILLER,

TERESA MILLER,

JOE DELAMATER,

STEVEN BEASLEY,

CARY SOLIDA,

INDIANAPOLIS METROPOLITAN POLICE

DEPARTMENT,

STATE OF INDIANA,

CITY OF INDIANAPOLIS,

Defendants.

Case No. 1:12-cv-00475-TWP-MJD

ENTRY ON PENDING MOTIONS

This matter is before the Court on several pending motions. Defendants Claude and Teresa Miller have filed a motion for sanctions pursuant to 28 U.S.C. § 1927 (Dkt. 109) and motion to withdraw counsel (Dkt. 110). Plaintiff Charles Howlett has filed a motion to strike the motion for sanctions (Dkt. 111) and a motion for extension of time to respond to the motion for sanctions (Dkt. 112).

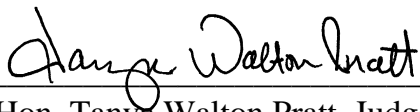
With respect to the Miller's motion for sanctions, 28 U.S.C. § 1927 provides that "[a]ny attorney ... who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct." 28 U.S.C. § 1927. This is a very high standard for which the Millers have not met their burden, and the Court finds that sanctions are not

warranted in this case. Therefore, the Millers' motion for sanctions (Dkt.109) is **DENIED**, and Mr. Howlett's motion to strike the motion for sanctions (Dkt. 111) is **DENIED AS MOOT**. Mr. Howlett's motion for extension of time to respond to the motion for sanctions (Dkt. 112) is also **DENIED AS MOOT**.

Also before the Court is a motion to withdraw counsel filed by Claude and Teresa Miller (Dkt. 110), there are a number of problems with this motion. First, the motion states that it is filed on behalf of the Plaintiff, while Claude and Teresa Miller are Defendants in this matter. Second, the motion purports to substitute attorney Ronald W. Frazier with attorney Ian Thompson; however, Mr. Thompson has not yet filed an appearance in this case. Third, the motion fails to comply with Local Rule 87-7(c), as it does not fix a date for the withdrawal, does not contain satisfactory evidence that the attorney provided the clients with written notice of his intent to withdraw at least seven days before the withdrawal date, and fails to include the clients' current address and telephone number. The motion also fails to comply with Local Rule 5-1(c), which requires that any paper submitted via the court's electronic case filing system be converted to a .pdf file directly from a word processing program, unless it exists only in paper format. For these reasons, the motion to withdraw counsel (Dkt. 112) is **STRICKEN**.

SO ORDERED.

Date: 01/24/2014


Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

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